

Minnesota Sentencing Guidelines Commission

309 Administration Building, 50 Sherburne Avenue, Saint Paul, Minnesota 55155

Voice: (651) 296-0144

Fax: (651) 297-5757

TTY: 1(800) 627-3529

Ask for (651) 296-0144

Website: mn.gov/sentencing-guidelines

Email: sentencing.guidelines@state.mn.us

11/19/15 — FOR IMMEDIATE RELEASE

On November 18, 2015, the Minnesota Sentencing Guidelines Commission (MSGC) considered changes to the Minnesota Sentencing Guidelines in the area of drug sentencing. On a vote of seven to three, the Commission approved forwarding the proposed amendments, detailed below, for public comment. The Commission will hear public comments in the State Office Building on December 23, 2015, and will consider final action on the proposal at its December 30, 2015, meeting at the Minnesota Judicial Center.

Supporters articulated three primary goals for the proposed amendments: addressing the high rate of downward departures from the sentencing guidelines in certain drug offenses, which results in a lack of uniformity in drug sentencing; differentiating drug sentences for drug dealers and drug users; and addressing the significant increase in drug offenders in Minnesota correctional facilities, which are currently at capacity.

The proposal forwarded for public comment would:

- Establish recommended prison sentences for first-degree drug sale between 65 and 125 months, depending on criminal history. Those sentences—lower than the current 86- to 158-month recommendations—are consistent with the actual prison sentences that defendants have received for that crime over the past decade.
- Reduce the severity levels assigned to first-degree drug possession and second-degree drug crimes.
- In an effort to allow for fair and flexible sentencing in all cases—such as those involving “kingpin” drug distributors on one hand, and chemically dependent defendants in need of treatment on the other—the proposal would also add additional aggravating and mitigating factors applicable to drug crimes.

Supporters argued the proposed amendments would significantly reduce the frequency of downward departures in drug sentencing. Additionally, new aggravating factors included in the proposal would allow prosecutors to seek sentences that more accurately reflect the culpability of drug dealers. Further, a new mitigating factor would allow judges to impose downward departures if the judge finds that the offender is chemically dependent and qualifies for chemical dependency treatment. The amendments would also address the limited capacity of correctional facilities.

As a result, supporters say the proposed amendments would improve predictability and uniformity in drug sentencing and address the limited capacity of Minnesota’s correctional facilities. Notably, the amendments aim to preserve and enhance public safety by giving prosecutors more tools to go after drug dealers.

Nathaniel Reitz, Executive Director of the MSGC, has not completed his analysis but predicted that the proposed amendments would result in a long-term reduction of several hundred prison beds. Reitz intends to have the analysis complete before the public hearing on December 23.

If the MSGC adopts this proposal on December 30, 2015, it would then be subject to legislative review. Unless the legislature provided otherwise by law, the proposal would take effect for crimes committed after August 1, 2016.